IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLIATION NO.1584/06

Shri.Deoman Bajirao Kadam .... Applicant

V/s.

The State of Maharashtra .... Respondent

Shri.Naveen Chomal Adv. for the applicant.
Miss.Rajeshree M. Gadhavi, APP for the State.

CORAM : V.M. KANADE, J.

DATED : 27/04/06

P.C.:-

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with C.R.No.198/2005 registered with the Panchavati Police station, Nashik for the offences punishable U/s.302, 498-A, 323, 504, 506 r/w 34 of IPC.

3. It is alleged that the applicant poured kerosene on his wife and set on her fire. Police had recorded two dying declarations. In the first dying declaration she has stated that she had committed a

suicide on account of continued harassment by her husband. In the second dying declaration she has stated that her husband and her brother-in-law had poured kerosene on her and set her on fire. Apart from that, there is no eye witness. Since, there is discrepancy in the two dying declarations, in my view, case is made out by the applicant for grant of bail. Apart from dying declarations, there is no other statement of any witness.

4 In my view, the applicant is entitled to be released on bail on the ground of parity. The applicant, under this circumstance, be released on bail in the sum of Rs.5,000/- with one or two sureties in the like amount. The applicant shall report to the Panchavati Police station, Nashik twice in a month.

5. The applicant shall not tamper with the evidence or threaten the witnesses. If any complaint is received by the Investigating Officer, the Public Prosecutor is at liberty to file an application for cancellation of bail.

6. The Trial Court shall not be influenced by any observations made by this Court while deciding the

application and they shall not be construed as an expression of opinion on merits of the case and it shall decide the case on its own merit and in accordance with law.

7. The application is accordingly disposed of.

V.M. KANADE J.